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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Our Case No. 03-214-A)

| | | |
|---|---|-----------------------|
| In re Application of: |) | |
| |) | |
| Bao, et al. |) | Examiner: TBA |
| |) | |
| Serial No. 10/789,831 |) | |
| |) | Group Art Unit: 1634 |
| Filed: February 27, 2004 |) | |
| |) | |
| For: Label-Free Gene Expression Profiling |) | Confirmation No. 8249 |
| With Universal Nanoparticle Probes in |) | |
| Microarray Assay Format |) | |

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

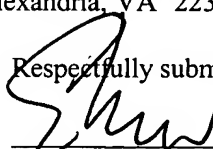
Sir:

In regard to the above identified application.

1. We are transmitting herewith the attached:
 - a) Tenth Supplemental Information Disclosure Statement;
 - b) U.S. PTO 1449 Form;
 - c) Copies of Nine (9) Cited References;
 - d) Copy of International Search Report; and
 - e) Return Postcard.
2. With respect to fees:
 - a) No fee is due at the present time.
 - b) General Authorization: Please charge any underpayment or credit any overpayment our Deposit Account No. 13-2490.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8th day of June, 2005.

Date: June 8, 2005

Respectfully submitted,


Emily Miao
Registration No. 35,285



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TENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In order to comply with discretionary regulations 37 CFR §§1.97 and 1.98, attached hereto is Form PTO-1449, copies¹ of the documents listed thereon. These documents contain information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

1. International Patent Application No. WO 00/79008 A1 published 12/28/2000.
2. International Patent Application No. WO 01/25002 A1, published 04/12/2001.

¹To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the file of a parent application. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited, then none is known to undersigned.

3. Taton, et al., "Two-Color Labeling of Oligonucleotide Arrays via Size-Selective Scattering of Nanoparticle Probes", Journal of the American Chemical Society, 123, No. 21, pp. 5164-5165 (May 2001).
4. Zhao, et al., "Optimization and Evaluation of T7 Based RNA Linear Amplification Protocols for cDNA Microarray Analysis", BMC Genomics, 3, No. 1, pp. 1-15 (October 2002).
5. Alexandre, et al., "Colorimetric Silver Detection of DNA Microarrays", Analytical Biochemistry, 295, No. 1, pp. 1-8 (August 2001).
6. Bao, et al., "High-sensitivity Detection of DNA Hybridization on Microarrays Using Resonance Light Scattering", Analytical Chemistry, American Chemical Society, 74, No. 8, pp. 1792-1797 (April 2002).
7. Li, et al., "A High-density Conduction-based Micro-DNA Identification Array Fabricated with a CMOS Compatible Process", IEEE Transactions on Electron Devices, IEEE Inc. New York, US, 50, No. 10, pp. 2165-2170 (October 2003).
8. Storhoff, et al., "Gold Nanoparticle-based Detection of Genomic DNA Targets on Microarrays Using a Novel Optical Detection System", Biosensors & Bioelectronics, 19, No. 8, pp. 875-883 (March 2004).
9. Huber, et al., "Gold Nanoparticle Probe-Based Gene Expression Analysis with Unamplified Total Human RNA", Nucleic Acids Research, Oxford University Press, Surrey, GB, 32, No. 18, p. E137 (October 2004).

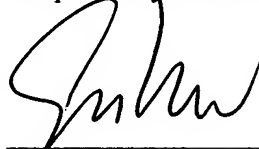
In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The present Disclosure Statement is being submitted in compliance with 37 CFR 1.56 insofar as an Examiner might consider any of the cited documents important in deciding whether to

allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104(a) and 1.106(b) and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

Early and favorable consideration is earnestly solicited.


Respectfully submitted,



Emily Miao
Registration No. 35,285

Dated: June 8, 2005

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300 South Wacker Drive
Chicago, Illinois 60606
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Facsimile: (312) 913-0002

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| Form PTO-1449 | U.S. Department of Commerce Patent and Trademark Office | Atty. Docket No. 03-214-A | Serial No. 10/789,831 |
|  | | Applicant: Mirkin, et al. | |
| | | Filing Date: February 27, 2004 | Group: 8249 |

U.S. PATENT DOCUMENTS

| Examiner Initial | Document Number | Date | Name | Class | Subclass | Filing Date |
|---------------------|-----------------|------|------|-------|----------|-------------|
|---------------------|-----------------|------|------|-------|----------|-------------|

FOREIGN PATENT DOCUMENTS

| | Document Number | Date | Country | Class | Subclass | Translation Yes No |
|----|-----------------|----------|---------|-------|----------|-----------------------|
| 1. | WO 00/79008 A1 | 12/28/00 | PCT | | | |
| 2. | WO 01/25002 A1 | 04/12/01 | PCT | | | |

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| | 3. | Taton, et al., "Two-Color Labeling of Oligonucleotide Arrays via Size-Selective Scattering of Nanoparticle Probes", Journal of the American Chemical Society, 123, No. 21, pp. 5164-5165 (May 2001). |
| | 4. | Zhao, et al., "Optimization and Evaluation of T7 Based RNA Linear Amplification Protocols for cDNA Microarray Analysis", BMC Genomics, 3, No. 1, pp. 1-15 (October 2002). |
| | 5. | Alexandre, et al., "Colorimetric Silver Detection of DNA Microarrays", Analytical Biochemistry, 295, No. 1, pp. 1-8 (August 2001). |
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| | 7. | Li, et al., "A High-density Conduction-based Micro-DNA Identification Array Fabricated with a CMOS Compatible Process", IEEE Transactions on Electron Devices, IEEE Inc. New York, US, 50, No. 10, pp. 2165-2170 (October 2003). |
| | 8. | Storhoff, et al., "Gold Nanoparticle-based Detection of Genomic DNA Targets on Microarrays Using a Novel Optical Detection System", Biosensors & Bioelectronics, 19, No. 8, pp. 875-883 (March 2004). |
| | 9. | Huber, et al., "Gold Nanoparticle Probe-Based Gene Expression Analysis with Unamplified Total Human RNA", Nucleic Acids Research, Oxford University Press, Surrey, GB, 32, No. 18, p. E137 (October 2004). |
| Examiner | | Date Considered |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with any communication.